

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

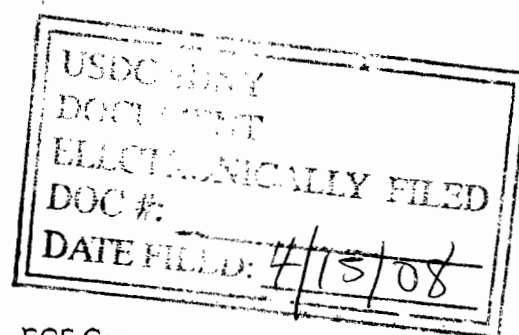
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FREDERICK BOWERS,

Plaintiff,

- v. -

THE DEPARTMENT OF VETERANS AFFAIRS NEW  
YORK HARBOR HEALTHCARE SYSTEM; JOHN J.  
DONNELLAN, Jr., in his official capacity as Director of  
the Hospital and his personal capacity; and ARTHUR  
SINKMAN, M.D. and JONATHAN KANE, M.D., in their  
personal capacities,

Defendants.  
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ECF Case

08 Civ. 1309 (SAS)

STIPULATION OF  
VOLUNTARY DISMISSAL

WHEREAS, from on or about February 4, 2008 to February 11, 2008 and again from February 14, 2008 to March 18, 2008, plaintiff Frederick Bowers ("plaintiff"), a veteran, was given Zyprexa, a psychotropic medication, over his objections at the psychiatric unit of the Manhattan campus (the "Manhattan VA Hospital") of the Harbor Healthcare System of the United States Department of Veterans Affairs (the "VA" or the "United States");

WHEREAS, on February 8, 2008, plaintiff filed this lawsuit in the United States District Court for the Southern District of New York, and sought a temporary restraining order and a preliminary injunction to stop the Manhattan VA Hospital from administering Zyprexa to him;

WHEREAS, plaintiff alleges that the defendants violated his right to due process by administering Zyprexa over his objections without affording him adequate process;

WHEREAS, on or about March 18, 2008, plaintiff was discharged from the psychiatric unit of the Manhattan VA Hospital;

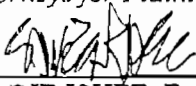
NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff and the United States as follows:

1. Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the Complaint in this action is voluntarily dismissed in its entirety with prejudice and without costs or fees to any party.

2. Plaintiff and the United States understand and agree that this Stipulation of Voluntary Dismissal contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

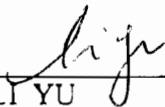
Dated: New York, New York  
April 14, 2008

MENTAL HYGIENE LEGAL SERVICE  
FIRST JUDICIAL DEPARTMENT  
MARVIN BERNSTEIN, DIRECTOR  
*Attorneys for Plaintiff*

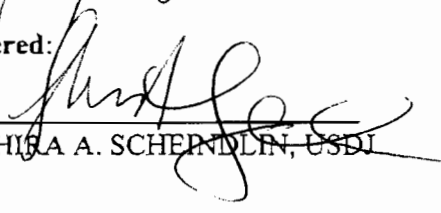
By:   
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Dated: New York, New York  
April 14, 2008

MICHAEL J. GARCIA  
United States Attorney  
*Attorney for the United States*

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Dated: 4/15/08

So Ordered: 

HON. SHIRA A. SCHERINDLIN, USDC